

Message Text

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PAGE 01 STATE 035008
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FM SECSTATE WASHDC
TO AMEMBASSY BONN
USMISSION USBERLIN
INFO USMISSION OECD PARIS
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UNCLAS STATE 035008

E.O. 11652: N/A

TAGS: ETRD, GW, OECD

SUBJECT: FTC ISSUANCE OF COMPLAINT AGAINST B.H. MAYER'S
KUNSTPRAGEANSTALT

REF: 75 STATE 289200

1. FEDERAL TRADE COMMISSION (FTC) HAS INFORMED DEPARTMENT
THAT IT HAS ISSUED A COMPLAINT AGAINST, INTER ALIA, B.H.
MAYER'S KUNSTPRAGEANSTALT AND BERNHARD H. MAYER. FRG HAD
BEEN NOTIFIED OF THE COMMISSION'S INVESTIGATION IN
DECEMBER, 1975 (SEE REFTEL). COMPLAINT CHARGES ALL
PARTIES WITH VIOLATIONS OF FTC ACT AND HOBBY PROTECTION
ACT BY REASON OF THEIR MANUFACTURE AND IMPORT INTO THE
U.S. OF IMITATION GOLD COINS WHICH ARE NOT RPT NOT
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PROPERLY MARKED AS REQUIRED BY LAW. RESPONDENTS HAVE 30
DAYS WITHIN WHICH TO ANSWER THE COMPLAINT AND A PRETRIAL
HEARING IS SCHEDULED FOR MARCH 21, 1977.

2. ISSUANCE OF A COMPLAINT INDICATES THAT THE FTC HAS
FOUND REASON TO BELIEVE THAT PARTIES CHARGED HAVE VIOLATED
THE LAW. MATTER WILL NOW BE REFERRED TO AN ADMINISTRA-

TIVE LAW JUDGE BEFORE WHOM COMMISSION STAFF AND PARTIES
WILL HAVE OPPORTUNITY TO PRESENT EVIDENCE IN SUPPORT AND
REBUTTAL OF CHARGES IN COMPLAINT. ADMINISTRATIVE LAW
JUDGE WILL THEN RENDER AN INITIAL DECISION WHICH MAY BE

APPEALED TO COMMISSION BY EITHER SIDE. SHOULD COMMISSION
DECIDE TO ISSUE AN ORDER AGAINST ANY OF RESPONDENTS, THEY
MAY APPEAL THAT ORDER TO ANY OF THE COURTS OF APPEALS OF
U.S. A DECISION OF A COURT OF APPEALS WOULD BE SUBJECT TO
REVIEW BY THE SUPREME COURT ON A PETITION FOR A WRIT OF
CERTIORARI. THUS POTENTIAL TIME FOR A FINAL RESOLUTION OF
PROCEEDINGS INITIATED BY THE COMPLAINT COULD BE SEVERAL
YEARS.

3. ADDRESSEES ARE REQUESTED TO INFORM APPROPRIATE FRG
AGENCIES OF THE ABOVE IN ACCORDANCE WITH THE 1967 OECD
NOTIFICATION RECOMMENDATION AND THE 1976 U.S./FRG COOPER-
ATION AGREEMENT WITH RESPECT TO RESTRICTIVE BUSINESS
PRACTICES.
HARTMAN

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NNN

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